UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA DURHAM DIVISION

In Re:

Jimmy Morris

Case No. 09-82240

Chapter 13

Social Security No. xxx-xx-9379 Address: 140 Holman Lane, Sanford, NC 27332-

Debtor

MOTION TO MODIFY PLAN

NOW COMES the Debtor, by and through counsel undersigned, who moves, under authority of 11 U.S.C. § 1329, to modify the Chapter 13 plan in this case, and in support hereof, the Debtor shows unto this Court the following:

- 1. This case was filed on December 16, 2009, with the Chapter 13 plan being subsequently confirmed on March 30, 2010.
- 2. The Debtor proposes to modify the Chapter 13 plan in this case in the following respects:

From:

\$589.00 per month.

To:

\$589.00 per month through April 2011, followed thereafter by \$392.00 per

month, starting in June 2011.

- 3. The changed circumstances that justify the proposed modification are as follows:
 - a. The Debtor is suffering from heart problems, anxiety, clinical depression, panic attacks, acid reflux, and high blood pressure. He has been unable to afford medication for several months.
- 4. An Amended Schedule I for the Debtor is attached hereto and is incorporated hereto by reference.
- 5. An Amended Schedule J for the Debtor is attached hereto and is incorporated by reference.
- 6. The proposed modification conforms to the standards of confirmation set out in 11 U.S.C. §§ 1322 and 1325. This modification is feasible because of the following changes, as detailed on the attached Chapter 13 Worksheet:
 - a. Loss of disposable income.
 - b. Change in length of plan.

Appended Application for an Additional Attorney Fee

7. Counsel for the Debtor further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval an attorney fee in the amount of \$250.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion to modify.

WHEREFORE, the Debtor prays that this Court grant his Motion, and modify the Chapter 13 plan accordingly. In addition, counsel undersigned requests that this Court approve a fee in the amount of \$250.00 to compensate undersigned for the services rendered or to be rendered with respect to this motion, said fee to be paid by the Chapter 13 Trustee as an administrative claim in this case.

Dated: May 4, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz
Edward C. Boltz
North Carolina State Bar No.: 23003
6616-203 Six Forks Road
Raleigh, N.C. 27615
(919) 847-9750

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CERTIFICATE OF SERVICE

I, Patty Cherigo, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on May 4, 2011, I served copies of the foregoing **MOTION TO MODIFY PLAN** electronically, or when unavailable, by regular first-class U.S. mail, addressed to the following parties:

Richard M. Hutson, II Chapter 13 Trustee Michael West U.S. Bankruptcy Administrator

Jimmy Morris 140 Holman Lane, Sanford, NC 27332-

All creditors with duly filed claims as listed on the attached Report of Claims Filed at the addresses listed thereon.

/s Patty Cherigo
Patty Cherigo

CH. 13 PLAN - DEBTS SHEET				Date: 5/3/11				
(MIDDLE DISTRICT - STEP PLAN)				Lastname-SS#: Morris-9379 MTM				
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	Creditor Name	Sch D #	Mortgage Payment	Int. Rate	Adequate Protection		nimum Payment	Description of Collateral
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Ĭ	Creditor Name	Sch D	Payoff	Int. Rate	Adequate		nimum	Description of Collateral
ŀ	Suntrust Bank	#	Amount \$8,379	5.25	Protection \$84		Payment \$201	07 Nissan
\mid	Vanderbilt Mortgage	 _	\$6,765	5.28	\$68		\$163	95 Redman MH
	v ander bitt into tgage			7.00				
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Œ	ORNEA FFES (Unpaid Part)		Vmount	4,000,000,000,000,000	1111/11/11/1	CPD C	I A DEPEND	(2.01.48)
.av	v Offices of John T. Orcutt, P.C.		\$250	-American	PKOPO:	SED C	HAPTER	E 13 PLAN
εc	URED LAXES		Secured Amount	· 50 CAST		٦ .		1
RS	Tax Liens			1 \$	392	/month	for 46	months, then
Rea	al Property Taxes on Retained Realty					-		1
NS	SECURED PRIORITY DI BIS		Amount		N/A	/month	for N/A	months.**
RS	Taxes					ا ل		
	te Taxes			Marin and		De	dinations	
Personal Property Taxes					The much on of the		on linted on C	ohadula D
					The number of the s	 		
					quate Protection - Required monthly 'Adequate Protection' payment. finimum of DMI x ACP, minus all co-sign protect debt.			
All 'Co-Sign Protect Debts (See***) * = Minimum of DMI x ACP, minus all co-sign protect debt. GENERAL NON-PRIGIELY CONFIGURED Amount to Pay ** = Plan duration is subject to "Duration of Chapter 13 Plan" provision.								
DMI = None(\$0) *** Co-sign protect on all debts so designated on filed schedules D, E and F								
	DM1 = None(30)			- i	Step (rev. 11/6/07)			
)th	er Miscellaneous Provisions			-				
						_		
		-6	ise-09-822	40 - D r	os 16 - Fi	ed 0:	104/11	

In re	Jimmy Odell Morris	Case No.	09-82240	
	Debtor(s)			

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DE	PENDENTS OF DEBTOR AND S	POUSE			
Widowed			AGE(S):			
Employment:		SPOUSE				
	DEBTOR nemployed Since 2007		51 0052			
Name of Employer						
How long employed						
Address of Employer			<u>.</u>			
INCOME: (Estimate of average or pro	jected monthly income at time case fil	ad)	DEBTOR		SPOUSE	
1. Monthly gross wages, salary, and co	mmissions (Prorate if not paid month	eu) lv)	0.00	\$	SPOUSE N/A	
2. Estimate monthly overtime	minosione (i totace ii not paid monaii	·y/	0.00	\$ 	N/A	
2. Edition in Contact of the Contact		~ _	0.00	φ	WA	
3. SUBTOTAL		\$_	0.00	<u> </u>	N/A	
4. LESS PAYROLL DEDUCTIONS						
a. Payroll taxes and social securit	y	\$_	0.00	\$	N/A	
b. Insurance		\$ _	0.00	\$	N/A	
c. Union dues		\$ _	0.00	\$	N/A	
d. Other (Specify):		\$	0.00	\$	N/A	
-		\$	0.00	\$	N/A	
5. SUBTOTAL OF PAYROLL DEDU	CTIONS	_\$ _	0.00	\$	N/A	
6. TOTAL NET MONTHLY TAKE H	OME PAY	\$_	0.00	\$	N/A	
7. Regular income from operation of bu	ısiness or profession or farm (Attach d	letailed statement) \$_	0.00	\$	N/A	
8. Income from real property		\$_	0.00	s	N/A	
9. Interest and dividends		\$ _	0.00	\$	N/A	
10. Alimony, maintenance or support p dependents listed above		debtor's use or that of	0.00	\$	N/A	
11. Social security or government assis (Specify): Social Security (tance [- \$96.40 Insurance]	\$	1,419.00	•	N/A	
	wood modiance,		0.00	<u> </u>	N/A	
12. Pension or retirement income			0.00	<u> </u>	N/A	
13. Other monthly income		* -	0.00	ў —		
(Cassifi).		\$	0.00	\$	N/A	
		\$	0.00	<u>\$</u>	N/A	
14. SUBTOTAL OF LINES 7 THROU	GH 13	\$_	1,419.00	\$	N/A	
15. AVERAGE MONTHLY INCOME	(Add amounts shown on lines 6 and 1	4)	1,419.00	\$	N/A	
16. COMBINED AVERAGE MONTH	s from line 15)	\$	1,419.6	00		

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document: **NONE**

	In re	Jimmy	Odell	Morris
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___ Case No.

09-82240

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Compleexpenditures labeled "Spouse."	ete a separate	schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	100.00
a. Are real estate taxes included? Yes NoX		
b. Is property insurance included? Yes No X		
2. Utilities: a. Electricity and heating fuel	\$	248.38
b. Water and sewer	\$	0.00
c. Telephone	\$	0.00
d. Other See Detailed Expense Attachment	\$	120.66
3. Home maintenance (repairs and upkeep)	\$	10.00
4. Food	\$	200.00
5. Clothing	\$	0.00
6. Laundry and dry cleaning	\$	0.00
7. Medical and dental expenses	\$	113.00
8. Transportation (not including car payments)	\$	80.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	34.62
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	95.34
e. Other	\$	0.00
e. Other 12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) Personal Property Taxes	\$	25.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the		
plan)		
a. Auto	<u>\$</u>	0.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other Monthly Chapter 13 Payment	\$	392.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	1,419.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year		
following the filing of this document:		
NONE		
20. STATEMENT OF MONTHLY NET INCOME	-	
	\$	1,419.00
a. Average monthly income from Line 15 of Schedule 1 b. Average monthly expenses from Line 18 above	\$	1,419.00
c. Monthly net income (a. minus b.)	\$	0.00
At the state of th		

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In re Jimmy Odell Morris Debtor(s) Case No. **09-82240**

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED **Detailed Expense Attachment**

Other Utility Expenditures:

Internet	\$ 58.32
Cellular Phone	\$ 62.34
Total Other Utility Expenditures	\$ 120.66